IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 8523 of 2007(M)

PETITIONER:

M.G.SASIDHARAN,
CLERK/TYPIST, OFFICE OF THE ACCOUNTANT
GENERAL (A & R), THRISSUR BRANCH.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. THE ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

2. THE DEPUTY ACCOUNTANT GENERAL (A & E),
OFFICE OF THE ACCOUNTANT GENERAL (A & R),
THRISSUR BRANCH.

BY ADV. SMT.M.LALITHA NAIR, CGSC
SMT.M.LALITHA NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO.8523 OF 2007

Dated this the 23rd day of March, 2007

J U D G M E N T

Petitioner who is stated to be an ex-serviceman was re-employed as a Group D Chowkidar in the office of respondent No.2 in the year 2002. He was promoted as clerk/typist in January 2006 and consequently he was liable to be sent out of Thrissur where he had been working. At that stage the petitioner submitted a written request informing the authority concerned that he was prepared to relinquish his promotion if he was allowed to continue at Thrissur. Pursuant to the request made by him, he was allowed to continue in Thrissur as Chowkidar and he is continuing as such till today.

2. It is contended by the petitioner that no formal order on the written request made by him to allow him to continue at Thrissur after relinquishing promotion was passed by the authority. In other words, the contention is that the relinquishment as such has not come into force. It is now contended by the petitioner that there is a vacancy in the post of Typist/Clerk in Thrissur itself and in view of the fact that his relinquishment has not come into force, he is liable to be promoted and accommodated at Thrissur as Clerk/Typist. The grievance of the petitioner is that though he had submitted Ext.P8 representation seeking appropriate orders on his request to promote him as Clerk/Typist and accommodate him at Thrissur,

no orders have been passed till today.

2. Smt. M.Lalitha Nair, learned Central Government Standing Counsel, after getting instructions submits that respondent No.1 has, in fact, received Ext.P8 representation and no orders have been passed on the same so far. She submits that an appropriate decision will be taken in the matter without delay. Learned counsel for the petitioner submits that the petitioner will be satisfied if an appropriate direction is issued to the 1st respondent to pass orders on Ext.P8 expeditiously. In the above facts and circumstances of the case this writ petition is disposed of with a direction to the 1st respondent to consider and pass orders on Ext.P8 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment. The petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance. Needless to mention that the 1st respondent shall ensure that the petitioner is given sufficient opportunity to be heard in the matter.

A.K. BASHEER, JUDGE

mt/-